

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Joseph MAGGIOLINO

Reissue of U.S. Patent : 6,337,591

Group Art Unit : 2816

Serial No. : 10/750,526

Examiner : Anh Quan Tra

Filed : December 31, 2003

Confirmation No.: 1324

For : CIRCUITRY FOR A HIGH VOLTAGE LINEAR CURRENT SENSE IC

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Commissioner for Patents

P.O. Box 1450

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**SECOND SUPPLEMENTAL DECLARATION AND POWER OF  
ATTORNEY**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; and that I believe that I am the original and first inventor of the subject matter which is claimed in the U.S. Patent 6,337,591 issued January 8, 2002, and for which a reissue patent is sought on the invention entitled: "CIRCUITRY FOR A HIGH VOLTAGE LINEAR CURRENT SENSE IC", the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by the Reissue Submission, which is also attached.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119(e) to the provisional applications listed below:

<u>Application Number</u>	<u>Date of Filing</u>
60/130,648	23 April 1999
60/166,727	22 November 1999
60/166,728	22 November 1999

I believe that the original patent is partly inoperative or invalid by reason of claiming less than I had the right to claim in the patent. The final paragraph of claim 1 is not part of the invention and, accordingly, claim 1 is both unduly narrow, and invalid under 35 U.S.C. 112, paragraph 1. Therefore, I have claimed less than I had the right to claim in the patent.

### **Background**

Claim 1 was amended in a Preliminary Amendment filed November 20, 2000. The amendment was intended merely to improve the form of claim 1 without changing its scope.

However, the Preliminary Amendment added an erroneous final paragraph to claim 1, namely: “a recovery circuit for reconstructing the analog input signal at the second voltage level”.

An Office Action was issued May 18, 2001. The Examiner found several claims allowable, but made a rejection under 35 U.S.C. 112, para. 2. In an amendment filed July 20, 2001, the §112 rejection was addressed, and the allowable claims were placed in independent form without changing their scope. However, the amended claim 1 in the amendment filed July 20, 2001 still contained the error.

In response to the July 2001 amendment, the application was allowed on August 27, 2001.

The error in claim 1 was noticed in the process of preparing the application for issue. A Rule 312 Amendment was filed November 19, 2001. The Rule 312 Amendment described the foregoing facts and noted that “The erroneously claimed element of ‘a recovery circuit for reconstructing the analog input signal at the second voltage level’ not only lacks support in the present application but is in fact contradicted by the specification on page 6, line

10, which states that the ‘recovery of the digital PWM data is performed at the lower reference potential.’ Accordingly, the present Rule 312 Amendment is necessary and proper to avoid a lack of support problem under 35 U.S.C. §112, first paragraph.”

Although the U.S.P.T.O. received the Rule 312 Amendment on November 19, 2001, before payment of the issue fee, the PTO did not enter or respond to the Rule 312 Amendment, and the patent issued January 8, 2002 with the erroneous final paragraph still present in claim 1.

A request for issuance of a Certificate of Correction was filed July 1, 2003, but was denied in a decision dated October 17, 2003.

### **Insufficiency in the Claims**

Claim 1 in the issued patent contains an erroneous final paragraph, namely “a recovery circuit for reconstructing the analog input signal at the second voltage level.” This paragraph is not part of the invention, and more specifically it is not supported by the specification. Thus, the scope of claim 1 is unduly narrow, narrower than required by the prior art of record; and further claim 1 is invalid under 35 U.S.C. §112, paragraph 1.

### **How the Error Arose**

The error arose, first, by the inadvertent insertion of the erroneous final paragraph, “a recovery circuit for reconstructing the analog input signal at the second voltage level,” into claim 1 in the Preliminary Amendment; and second, by the PTO’s failure to process the Rule 312 Amendment which was submitted to correct the error.

### **The Revised Claim 1**

After deleting the erroneous final paragraph, and adding the subject matter of claim 2, which has been canceled, and making clarifying amendments on July 21, 2005, claim 1 now reads as follows:

A current sense integrated circuit, comprising:

an amplifier circuit for receiving and amplifying a differential analog input signal at a first voltage level containing current sense information, wherein the amplifier circuit includes a

circuit to minimize inherent offset voltage temperature drift, comprising a first pair of mirrored MOSFET's, such that the circuit has an offset voltage which is equal to the difference between the respective gate-to-source voltages of the MOSFET's and remains constant over temperature variations;

a pulse width modulator circuit for converting the differential analog input signal to a pulse width modulated signal at the first voltage level; and

a level shift circuit for converting the pulse width modulated signal from the first voltage level to a second voltage level.

The revised claim is supported in the original patent by original claims 1 and 2 and by column 4, lines 8 and 25-27. The revised claim and original claims 3-4 are neither disclosed nor suggested by the prior art of record.

### **New Claims**

To further identify the MOSFET's in claim 1, claim 5 added July 21, 2005, depends from claim 1 and recites, "wherein said first pair of mirrored MOSFET's receive said differential analog input signal." See also claim 7, which also recites a relationship between the first pair of mirrored MOSFET's.

New claims 6-8 are submitted to further clarify the relationships between the disclosed MOSFET's. Claim 6 recites a second pair of mirrored MOSFET's connected respectively in series with the pair of claim 1, for equalizing current and biasing of said first pair. See col. 4, lines 10-12. Claim 6 is readable for example on the MOSFET's 86 and 87. There is no disclosure in the art of a mirrored MOSFET pair having the claimed features.

Claim 8 is readable on the additional MOSFET's 88 and 89 as explained at col. 4, lines 14-17. No such feature is seen in the art.

### **Conclusion**

For all the foregoing reasons, allowance of this reissue application including the amended Claim 1 and the original claims 3-8 is respectfully requested.

All errors being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on our part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

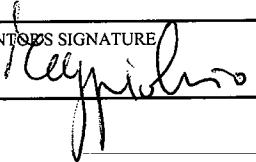
I hereby appoint OSTROLENK, FABER, GERB & SOFFEN, LLP, customer No. 2352, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Robert C. Faber - Reg. No. 24,322; Max Moskowitz - Reg. No. 30,576; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944; Louis C. Dujmich - Reg. No. 30,625, and Douglas A. Miro - Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

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